

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KATHY PICARD, Plaintiff	)	
	)	
v.	)	CIVIL ACTION NO. 14-30115-KAR
	)	
LOUIS BUONICONTI, Defendant	)	

DEFENDANT'S MOTION TO COMPEL NON-PARTY  
DR. DAVID FANTI'S COMPLIANCE WITH RECORDS SUBPOENA

Now comes the Plaintiff and moves the court to order David Fanti, MD, 300 Birnie Avenue, Suite 102, Springfield, MA 01107 (whom the Defendant testified at deposition was his primary care physician), to comply with the records subpoena served upon him on June 23, 2014, calling for the production of records on or before July 16, 2015. A true copy of the subpoena showing proper service is appended hereto as Exhibit A.

As grounds, the information sought by the Plaintiff is potentially relevant to her claims and the Defendant's denials and defenses, and the non-party, Dr. Fanti, has neither provided the subpoenaed records before the answer date or the month thereafter, nor did he object within the 10 days permitted by law or exercise other options provided under Fed. R. Civ. P. 45(c). Efforts to reach Dr. Fanti to attempt to coax compliance have been unavailing.

WHEREFORE, the Plaintiff respectfully request the Court to order Dr. Fanti to forthwith fully and completely comply with the Plaintiff's records subpoena.

KATHY PICARD, Plaintiff

By /s/ John B. Stewart  
JOHN B. STEWART (BBO #551180)  
MURPHY & MANITSAS, LLP  
20 Maple Street, Suite 301

Springfield, MA 01103  
Ph. (413) 733-4402 x105  
Fax (413) 733-4403  
E-mail: [TheTrialer@aol.com](mailto:TheTrialer@aol.com)

CERTIFICATE OF SERVICE

I certify that a true copy of the within document was filed through the ECF system and will be sent electronically to the registered participants as identified on the notice of electronic filing and paper copies will be sent to those indicated as non-registered participants on August 13, 2015. I have also mailed and faxed a copy of this motion to: David Fanti, MD, 300 Birnie Avenue, Suite 102, Springfield, MA 01107.

/s/ John B. Stewart  
JOHN B. STEWART (BBO #551180)

# Exhibit A

## UNITED STATES DISTRICT COURT

for the

District of Massachusetts



Kathy Picard

Plaintiff

v.

Louis Buoniconti

Defendant

Civil Action No. 14-CV-30115-KAR

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Custodian of Records of David R. Fanti, M.D., 300 Birnie Avenue, Suite 102, Springfield, MA 01107

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A, attached hereto.

Place: Murphy & Manitsas, LLP, 20 Maple Street, Suite 301,  
Springfield, MA 01103

Date and Time: July 16, 2015 @ 2:00p.m.

06/17/2015 11:48 am

\*need not appear if records mailed

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 06/17/2015

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff

John B. Stewart, Murphy &amp; Manitsas, LLP, 20 Maple Street, Ste 301, Springfield, MA 01103, e-mail: TheTrialer@aol.com

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any)  
on (date) \_\_\_\_\_

☐ I served the subpoena by delivering a copy to \_\_\_\_\_



**Office of the Sheriff**

**Hampden County • 95 Liberty St. • P.O. Box 5005 • Springfield, MA 01101-5005 • (413) 732-5772**

☐ I returned the subpoena unexecuted because \_\_\_\_\_

Hampden, ss.

June 23, 2015

I hereby certify and return that on 6/22/2015 at 11:20 AM I served a true and attested copy of the Federal Subpoena in this action in the following manner: To wit, by delivering in hand to ROSALIE ZION, OFFICE MGR., , agent, person in charge at the time of service for DAVID R FANTI, MD, CUSTODIAN OF RECORDS 300 BIRNIE AVENUE SUITE 102 SPRINGFIELD, MA 01107. Attestation X 1 (\$5.00) BASIC SERVICE Fee (\$30.00) Conveyance (\$1.20) Mailing (\$1.00) Travel (\$2.56) Witness Fee (\$44.44) Total: \$84.20

My fees are \$

Deputy Sheriff ALFRED B. BADONE

*Alfred B Badone*

**Deputy Sheriff**

\_\_\_\_\_  
Server's signature

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Server's address

Additional information regarding attempted service, etc.: